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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 Mi Familia Vota, et al.,
10 Plaintiffs,
11 v.
12 Adrian Fontes, in his official capacity as
13 Arizona Secretary of State, et al.,
14 Defendants.

No. CV-22-00509-PHX-SRB

ORDER

15 **AND CONSOLIDATED CASES**
16

17 Eight days after the Court issued its Order finding a waiver of their legislative
18 privilege and ordering production of requested documents and their depositions,
19 Intervenor-Defendants, Speaker of the Arizona House Ben Toma and President of the
20 Arizona Senate, Warren Petersen filed their Motion to Stay Pending Appeal declaring their
21 intention to seek of Writ of Mandamus from the Ninth Circuit Court of Appeals. If their
22 request for a stay is denied, Intervenor-Defendants ask the Court to stay its September 14,
23 2023 Order for 10-days¹ to allow them to submit an emergency Motion to Stay to the Court
24 of Appeals. Non-U.S. Plaintiffs responded in opposition on September 25, 2023. The
25 Arizona Secretary of State also filed his opposition on September 25, 2023. Because
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27 ¹ Presumably Intervenor-Defendants want the Court to stay its September 25, 2023 Order
28 for 10-days from the date of its Order denying the Stay. If granted, the Court's Order
requiring production of documents and depositions would be stayed until at least October
6, 2023, one month before the start of trial.

1 Intervenor-Defendants requested an expedited ruling and because the Court finds the
2 Motion to Stay without merit, it will not await a Reply before issuing this denial.

3 Intervenor-Defendants' arguments that they are likely to prevail on the merits of a
4 Writ of Mandamus are unpersuasive. They re-argue the arguments already rejected by this
5 Court in its September 25, 2023 Order. Moreover, as pointed out by the Non-U.S.
6 Plaintiffs, they have wholly failed to show any likelihood of receiving relief from the Court
7 of Appeals on a request for the extraordinary relief of mandamus on a discovery order.

8 Trial in this case is set to begin on November 6, 2023. As the parties all agreed, it
9 is of utmost importance that the issues before this Court are decided in advance of the 2024
10 elections. Any stay of September 25, 2023 Order could jeopardize that trial date. The
11 Court is persuaded by the argument of the Secretary of State that production of the
12 documents under a Protective Order will protect the status quo and allow the parties to
13 continue their trial preparations.

14 IT IS ORDERED denying Intervenor-Defendants Speaker Toma and President
15 Petersen's Motion to Stay Pending Appeal. (Doc. 543)

16 IT IS FURTHER ORDERED denying the alternatively requested 10-day stay of the
17 September 25, 2023 Order.

18 Dated this 26th day of September, 2023.

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Susan R. Bolton
United States District Judge